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Agenda item 1
Adoption of the agenda and other organizational matters

Requests from non-governmental organizations for hearings

Report of the Committee on Non-Governmental Organizations

1. At its 713th meeting, on 18 June 1999, the Committee on Non-Governmental Organizations, acting in accordance with Economic and Social Council resolution 1996/31, had before it requests from non-governmental organizations in consultative status with the Council for hearings by the Council in connection with the items on the Council's agenda for its substantive session of 1999.

2. The Committee decided to recommend that the following organizations be heard under the agenda items indicated:

International Association of Lions Clubs

Item 5. Special economic, humanitarian and disaster relief assistance

International Confederation of Free Trade Unions (ICFTU)

Item 6. Integrated and coordinated implementation of and follow-up to major United Nations conferences and summits

International Movement ATD Fourth World

Item 6. Integrated and coordinated implementation of and follow-up to major United Nations conferences and summits

3. The Committee also decided to recommend, on an exceptional basis, that the following three coalitions of non-governmental organizations in consultative status with the Council, which have formulated concrete action-oriented proposals on the theme of the high-level segment of the Council, be heard during that segment:

(a) Conference of Non-Governmental Organizations in Consultative Relationship with the United Nations;

(b) The World Family Organization;

(c) Women's Federation for World Peace International.

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Agenda item 14 (h)
Social and human rights questions:
Human rights

Report of the United Nations High Commissioner for Human Rights

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 48/141 of 20 December 1993. Its content focuses on the implementation of economic, social and cultural rights. In 1993, the World Conference on Human Rights urged that the enjoyment of these rights be strengthened and recommended a concerted effort to ensure their recognition at national, regional and international levels. Two years later, at the World Summit for Social Development, States pledged to strive for social integration based on the enhancement and protection of all human rights. Since assuming her duties, the United Nations High Commissioner on Human Rights has stressed that one of her main objectives is to build on these commitments.

2. The commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights provided an ideal opportunity to look with fresh eyes at the Declaration's vision of the inherent dignity and equal and inalienable rights of all members of the human family. The Vienna Declaration and Programme of Action forcefully reiterated that all human rights, civil, cultural, economic, political and social, are interlinked and interdependent. With the benefit of 50 years of experience, it has become clearer that all human rights must be respected with the same degree of affirmation and conviction — freedom of speech and belief as well as freedom from fear and want; fair trial and the right of participatory and representative government side by side with the rights to work, health protection, and education.

3. Some progress has been made both at the international and national levels in reinforcing the founding vision of the drafters of the Universal Declaration, enshrined in article 22, which proclaims: "Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality". Examples of efforts by the international community can be seen in resolutions and new mandates of the Commission on Human Rights; further clarification by treaty monitoring bodies of the content of specific rights; and enhanced activities by components of the United Nations system as well as other international organizations to improve the realization of human rights in the lives of people.

4. Yet despite examples of progress, it remains painfully clear that the fundamental rights to decent living conditions, food, basic health care and education, all laid down in the International Covenant on Economic, Social and Cultural Rights, are widely being denied. We need look no further than recent United Nations data to confirm this. *The 1999 State of the World's Children* report of the United Nations Children's Fund (UNICEF) warns that nearly a billion people, a sixth of humanity, are functionally illiterate and will enter the twenty-first century unable to read a book or sign their names. Two-thirds of them are women. The 1998 annual report of the Executive Director of the World Food Programme states that, while there is sufficient food to feed the world, 830 million people are chronically undernourished. We live in a world where food rots while people starve. And the 1998 *Human Development Report* of the United Nations Development Programme (UNDP) points out the bleak reality that, of the 4.4 billion people in developing countries, nearly three-fifths lack basic sanitation, almost a third have no access to clean water, a quarter do not have adequate housing, a fifth have no access to modern health services, a fifth of children do not attend school and approximately a fifth do not have enough dietary energy and protein.

5. One area of particular urgency is the eradication of extreme poverty. The latest report of the World Bank indicates that the recent financial and economic crisis has driven large parts of populations into poverty — measured by the World Bank as income of less than US$ 1 per day. The victims of poverty are in fact denied almost all rights — not only to adequate food, health care and housing, but also to participation in political processes; access to information and education; fair legal treatment and the normal benefits of citizenship. These conditions are compounded for the most vulnerable, in particular children and women, who in some parts of the world are being increasingly exploited through trafficking, forced labour and prostitution. The Bank's report speaks about the failure of existing economic strategies to combat poverty and calls for new, socially oriented approaches.

6. The globalization of markets, capital, communication and technology changes the face of the world, opening new opportunities and creating new challenges. While the benefits of these transformations are undeniable for millions of people in all regions, it is also undeniable that still larger numbers of the world's population are being pushed to the margins of society, economically and socially, in part because of this complex process. In developing and developed countries alike, a clear trend towards a smaller percentage of the population receiving a greater share of wealth, while the poorest simultaneously lose ground, must be addressed. Effective action to combat poverty and to make the global system work for all people involves difficult

decisions by Governments, faced with competing economic and social priorities, and by the international community, which must make appropriate use of limited resources at its disposal. Yet these decisions can and must be made by placing the decision-making process firmly in the context of international human rights obligations.

7. Undoubtedly, large-scale efforts at all levels are still required to remove the obstacles to and bolster the commitment and resources dedicated to ensuring the realization of economic, social and cultural rights. The year 1999 marks the tenth anniversary of the adoption of the Convention on the Rights of the Child and provides a fitting occasion to focus world attention on the difficulties children face throughout the world. The international community should join UNICEF, the Committee on the Rights of the Child and all other institutions involved not only to give children a ray of hope but to ensure respect for their legitimate rights. Targeted thinking and action to broaden access to education, health protection and a social environment conducive for sustainable human development must be seen as common goals to be achieved for the sake of all children.

8. This report provides an overview of important recent developments in the implementation of economic, social and cultural rights at the international level. The Economic and Social Council, benefiting from the activities carried out under its authority, including the Commission on Human Rights and the Committee on Economic, Social and Cultural Rights, may wish to consider the possibility of carrying out a review of developments at the national level to promote best practices, identify needs and strengthen cooperation between Governments and human rights and development institutions, as well as other relevant actors. The Office of the United Nations High Commissioner for Human Rights will do its utmost to support such endeavours and facilitate the ability of Governments to promote and protect economic and social council rights.

II. Enhancing commitments to economic, social and cultural rights

Ratifications

9. Progress in the implementation of human rights is largely dependent upon the status of legal commitments made by States regarding observance of, and respect for, international standards. Since the World Conference on Human Rights in 1993, the number of States that have ratified the International Covenant on Economic, Social and Cultural Rights has increased by 17 per cent, reaching a total of 141 States parties. These recent ratifications of the Covenant are important steps in ensuring that national legislation is consistent with the Covenant's provisions. It must be noted, however, that more than one quarter of all countries have not ratified the Covenant. In the context of the fiftieth anniversary of the Universal Declaration of Human Rights, the Secretary-General and the United Nations High Commissioner for Human Rights sent joint letters to all heads of State urging them to make every effort to ratify the two Covenants and the four principal human rights conventions within the next five years. United Nations technical assistance and advice concerning the ratification process is available to requesting countries.

10. Alongside the International Covenant on Economic, Social and Cultural Rights, other human rights treaties play, directly or indirectly, an important role in determining the commitments of States. The Convention on the Rights of the Child includes provisions for the protection of the full spectrum of human rights, civil and political as well as economic, social and cultural. The Convention's virtually universal acceptance highlights the fact that some economic, social and cultural rights have already taken the form of legal entitlements for more than half of the world's citizens — its children. States which have ratified the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women, both of which include express references to a number of specific economic, social and cultural rights, have also entered into legal obligations to implement these rights. Only 12 countries have not yet ratified either of these two treaties. This shows that the net of international legal commitments relevant for economic, social and cultural rights is fairly wider than would be assumed by considering only the number of ratifications of the International Covenant on Economic, Social and Cultural Rights.

11. Past experience also confirms that commitments to only one category of human rights, sooner or later, becomes a serious obstacle to the implementation of all human rights and thus to sustainable human development. This is, *mutatis mutandis*, the case in all countries, developed and developing. The complementarity of civil and political rights to economic, social and cultural rights must be fully recognized if the latter are to be implemented in accordance with the needs of people and the actual economic potential of the State. The call for ratification of human rights treaties addressing economic, social and cultural rights directly should, therefore, be connected with the call for ratification of other treaties.

Content of obligations

12. The views of the Committee on Economic, Social and Cultural Rights, articulated in its General Comments, contribute to the clarification of the content of specific rights and the conditions necessary for their implementation, thus further specifying the commitments of State Parties under the International Covenant on Economic, Social and Cultural Rights. During its twentieth session, held in May 1999, the Committee considered and adopted: General Comment No.11 (1999), "Plans of action for primary education (article 14 of the Covenant)"and General Comment No.12 (1999), "The Right to Adequate Food (article 11 of the Covenant)".[1] General Comment No. 11 (1999) emphasized the importance of national plans of action for primary education and requested State parties that have not been able to provide compulsory primary education, free of charge, to work out and adopt, within two years, a detailed plan of action leading to this goal. General Comment No. 12 (1999) affirmed that the right to adequate food was indivisibly and indispensably linked to the inherent dignity of the human person and was inseparable from the fulfilment of other rights enshrined in the International Bill of Human Rights. The Committee also stressed that the roots of the problems of hunger and malnutrition were not the lack of food globally, but lack of access to available food, and stated that when a State failed to ensure the satisfaction of the minimum essential level required to be free from hunger, a violation of the Covenant had occurred.

13. Other treaty-based bodies also look beyond the formal content of standards laid down in the respective treaties in order to analyse the social and economic premises of their implementation. For example, while commenting on the right to life, the Human Rights Committee has referred to problems such as malnutrition and epidemics, which link this right to the right to food and the right to health under the International Covenant on Economic, Social and Cultural Rights.[2] The Committee on the Rights of the Child has helped to identify the close relationship between the realization of the rights of the child and the eradication of situations of economic exploitation. The Committee attached particular importance to education, which reduces a child's vulnerability to all forms of exploitation. While interpreting the commitments of States under the respective treaties as obligations to respect, protect and fulfil human rights, the treaty bodies call for a pro-active policy by the State regarding the implementation of human rights, including appropriate assistance to the individual. Thus, not only is the content of commitments undertaken by States in social and economic areas becoming more precisely clarified, but the links between different categories of human rights is increasingly strengthened. The treaty bodies attach great attention to the commitments of States to cooperate in promoting and protecting human rights. For example, the Committee on Economic, Social and Cultural Rights has stressed that States parties should recognize the essential role of international cooperation and comply with their commitment to take joint and separate action to achieve the realization of economic, social and cultural rights (see also paras. 33 and 34 below).

Declaration on the Right to Development

14. Resolutions of the United Nations intergovernmental bodies also play an important role in defining the responsibilities of States in the area of economic, social and cultural rights. Among these, the 1986 Declaration on the Right to Development plays a central role. By placing the individual at the centre of development activities and proclaiming an integrated vision of all human rights, the Declaration is a vehicle for the indivisibility and complementarity of different categories of human rights and for recognizing the promotion and protection of all human rights as the basis and measure of sustainable development. As a consequence, the Declaration has given a strong boost to the advancement of economic, social and cultural rights.

III. Strengthening the implementation of economic, social and cultural rights

Determining needs

15. An objective and impartial picture of the worldwide implementation of economic, social and cultural rights is of great importance. This is indispensable to identify needs and emerging threats, extrapolate trends in the implementation of human rights at all levels and, on this basis, determine priority areas and methods of work. For the United Nations, it provides the basis for the appropriate orientation of policies and activities, in particular in the context of confidence-building and technical cooperation at the national level. The Committee on Economic, Social and Cultural Rights stressed that "the essential first step towards promoting the realization of economic, social and cultural rights is diagnosis and knowledge of the existing situation ... While monitoring is designed to give a detailed overview of the existing situation, the principal value of such an overview is to provide the basis for the elaboration of clearly stated and carefully targeted policies, including the

establishment of priorities which reflect the provisions of the Covenant".[3]

16. The indivisibility of human rights requires that methods for tracking the implementation of economic, social and cultural rights, in particular, should be strengthened. Currently, such methodologies are less effective than those developed for civil and political rights, although social and economic data from development agencies is increasingly being incorporated into the relevant analysis. At the international level, progress can be achieved, *inter alia*, by: (a) ensuring the adequate standing of economic, social and cultural rights in the work of the intergovernmental bodies of the United Nations, in particular the Commission on Human Rights; (b) integrating economic, social and cultural rights throughout the human rights machinery; (c) strengthening the capacities to support the Committee on Economic, Social and Cultural Rights; (d) enabling the mechanism established by the Commission on Human Rights to assess the implementation of the right to development; (e) adopting an optional protocol on individual communications to the International Covenant on Economic, Social and Cultural Rights; and (f) applying methodological approaches to make assessment more effective, including the development of indicators and benchmarks relevant for economic, social and cultural rights.

Intergovernmental bodies

17. Placing economic, social and cultural rights on the agendas of United Nations organs and bodies as well as of its agencies and programmes is essential in order to map the existing needs in their global, regional and national dimensions. The United Nations High Commissioner has proposed joint meetings of the Second and Third Committees of the General Assembly to consider various aspects of economic, social and cultural rights. During the fifty-third session of the General Assembly, both Committees came together to discuss the role the United Nations should play in the eradication of poverty. The Economic and Social Council has dedicated its 1999 high-level segment to poverty eradication. At its fifty-fifth session, the Commission on Human Rights held a special dialogue which focused on the problem of social exclusion of children. Also, other subsidiary bodies of the Economic and Social Council attach much attention to areas relevant to the implementation of economic, social and cultural rights. For example, the thirty-seventh session of the Commission for Social Development, while focusing in its agreed conclusions on social services for all, stressed that "Investment in social services will contribute to poverty eradication, peace, equity and equality, social progress and cohesion, economic productivity, productive employment, and full participation of all people in society. In this respect, it is of fundamental importance that Governments either provide social services or ensure universal and equitable access to social services — especially, in times of economic recession."[4]

18. The Commission on Human Rights has taken significant steps in recent sessions to enhance the implementation capacity of the United Nations human rights programme in the area of economic, social and cultural rights. In 1998, the Commission appointed the Special Rapporteur on the right to education, who presented her initial report to the fifty-fifth session of the Commission.[5] In addition, mandates dealing with social and economic aspects of development are of great relevance for economic, social and cultural rights. They include the independent expert on the right to development; the independent expert on extreme poverty; the Special Rapporteur on effects of foreign debt on the full enjoyment of economic, social and cultural rights; the independent expert on effects of structural adjustment policies on the full enjoyment of human rights; the Special Rapporteur on the sale of children, child prostitution and child pornography; the Special Rapporteur on adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights; the Working Group on the right to development; and the Working Group on contemporary forms of slavery. It is essential that all holders of special procedures mandates include in their analyses the possible impact of economic, social and cultural rights on their primary area of interest.

19. In its resolution 1998/72, the Commission on Human Rights established a new mechanism to monitor the implementation of the right to development. It includes the aforementioned open-ended inter-sessional Working Group and the independent expert. The mandate of the independent expert is to study the current state of progress in the implementation of the right to development and present these findings to the Working Group at each of its meetings. This mechanism can be seen as an additional important instrument following the implementation of economic, social and cultural rights since the right to development encompasses an integrated approach to all human rights. The Working Group will meet for the first time in September 1999.

20. The Subcommission for Prevention of Discrimination and Protection of Minorities has been involved in studies carried out to assist in the implementation of economic, social and cultural rights. These include a study on the right to adequate food (recently revised and updated), impunity of perpetrators of violations of economic, social and cultural rights, human rights indicators, human rights and income

distribution and the right to education. The Subcommission is also reviewing the establishment of a forum on economic, social and cultural rights. The proposed "social forum" would meet during the annual session of the Subcommission for the purpose of exchanging information on the enjoyment of economic, social and cultural rights; following up on situations of poverty, including the relationship between income distribution, the feminization of poverty and human rights; and elaborating on possible guidelines on violations of economic, social and cultural rights.

Treaty bodies

21. Between its establishment in 1985 and January 1999, the Committee on Economic, Social and Cultural Rights has considered 155 initial and 74 periodic reports as well as 60 global reports and has developed comprehensive guidelines for this process.[6] The Committee also explores new methods of work. It carried out its first country missions focusing on the realization of the right to adequate housing.[7] General debates involving experts, representatives of agencies and programmes as well as special rapporteurs are now scheduled for each session of the Committee. These debates support the Committee's efforts to better define the content of economic, social and cultural rights and elaborate more effective methods of their implementation. The Committee's most recent general debates focused on the right to education and the right to food.

22. The expertise of the Committee, based upon its systematic review of the implementation of the rights laid down in the Covenant and the input from national and international partners, makes it a unique body both within the United Nations system and the international community. The 1995 World Summit for Social Development recognized that the Committee on Economic, Social and Cultural Rights should play an important role in following those aspects of the Declaration and Programme of Action that relate to compliance, by States Parties, with the International Covenant on Economic, Social and Cultural Rights. However, the impact of the Committee is to a large extent determined by the resources at its disposal. At its last session, the Committee, referring to the substantial backlog of reports, stressed that, in the framework of existing arrangements regarding its sessions, three years would be needed to clear it up.[8] The Office of the High Commissioner has undertaken several steps to ensure better support for the Committee, in particular under the Programme of Action to strengthen the implementation of the International Covenant on Economic, Social and Cultural Rights adopted by the Committee at its fifteenth session.[9] The Programme has been designed to provide support for the reporting process and enhance analytical capacities to enable the Committee to fully utilize available information, liaise with other relevant agencies, identify and analyse emerging trends and prepare research background materials for the elaboration of policy positions on key issues the Committee must address. However, further steps, such as increasing the frequency of the Committee's sessions, should also be considered.

23. Although the Committee on Economic, Social and Cultural Rights maintains the central position in monitoring the implementation of these rights, other treaty bodies can and do contribute to this process by paying particular attention to the economic, social and cultural rights of specific groups or in specific situations, as well as by analysing the economic, social, and cultural aspects of the realization of other rights. Cooperation between the treaty bodies and with the holders of special procedures mandates is also of great importance. The annual meetings of the chairpersons of the treaty bodies and of special procedures include the implementation of economic, social and cultural rights on their respective agendas. In May 1999, these meetings coincided for the first time. The chairpersons strongly supported the idea of a workshop to elaborate on indicators and benchmarks to measure the implementation of the right to education (see para. 25 below).

24. The individual communications procedure, an important mechanism under some human rights treaties, is not provided for under the International Covenant on Economic, Social and Cultural Rights. Although the primary purpose of this procedure is to extend international protection to individuals, such communications usually also draw the attention of treaty bodies and thus the international community to facts in a given country. In the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, the Commission on Human Rights was encouraged in cooperation with the Committee on Economic, Social and Cultural Rights, to continue the examination of optional protocols to the International Covenant on Economic, Social and Cultural Rights.[10] After a series of debates, the Committee submitted a draft optional protocol on individual communications to the Commission on Human Rights, which forwarded it to Governments for comment. To date, only a small number of Governments have presented their views. The acceleration of this process is essential.

New methodological approaches

25. The Vienna Declaration and Programme of Action recommended the examination of a system of indicators to measure progress in the realization of the rights set forth in

the International Covenant on Economic, Social and Cultural Rights as an essential part of efforts towards strengthening the enjoyment of these rights.[11] The integration of human rights, including economic, social and cultural rights, into the global set of Common Country Assessment indicators is an important component of the United Nations Development Assistance Framework (UNDAF), which will lead to practical integration of human rights in United Nations coordinated projects most responsive to the needs of States.[12] The Office of the High Commissioner for Human Rights is participating in this process. During its fifty-fifth session, the Commission on Human Rights adopted resolution 1999/25, in which it requested the High Commissioner to consider the organization of a workshop to identify progressive developmental benchmarks and indicators related to the right to education. The Office is currently organizing the workshop and the Committee on Economic, Social and Cultural Rights is cooperating in this activity. Other treaty bodies, specialized agencies and experts in the field will be requested to participate.

26. At its fifty-fifth session, in the same resolution, the Commission on Human Rights reiterated its call upon all States "to consider ... the desirability of drawing up national action plans identifying steps to improve the situation of human rights in general with specific benchmarks designed to give effect to the minimum essential levels of enjoyment of economic, social and cultural rights". The Committee on Economic, Social and Cultural Rights pointed out that, while global benchmarks are of limited use in many areas, including the reduction of infant mortality, the extent of vaccination of children, the intake of calories per person, the number of persons per health-care provider, national or other more specific benchmarks can provide a valuable indication of progress.[13] To avoid an unacceptable flexibility in construing State party's commitments, the Committee combined this idea with a concept of a common minimum core of obligations under the International Covenant on Economic, Social and Cultural Rights.[14] To explore further the application of benchmarks in the area of economic, social and cultural rights, the Office of the High Commissioner organized a round table in March 1998, which brought together leading academics and practitioners and was attended by a large number of representatives of Governments and non-governmental organizations. The work on benchmarks is continuing, involving, *inter alia*, their applicability at the regional and subregional levels.

27. Non-governmental organizations and wider civil society are increasingly involved in monitoring social and economic developments as well. The academic community has assisted the United Nations human rights machinery by, among other things, developing two sets of guidelines known as the "Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights" (1986), elaborated in 1997 in the Maastricht guidelines on violations of economic, social and cultural rights.

IV. Assisting States in the implementation of economic, social and cultural rights

28. A recent system-wide survey of United Nations technical cooperation programmes in the field of human rights carried out by the Office of the High Commissioner shows that economic, social and cultural rights are increasingly being recognized as the basis for a wide range of United Nations activities. The Food and Agriculture Organization of the United Nations (FAO), the United Nations Centre for Human Settlements (Habitat), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO) and other agencies and programmes that are active in diverse areas such as food, housing, education, health, and culture are increasingly referring to economic, social and cultural rights as a set of standards that determine the framework of assistance offered to countries. This contributes to more individual, focused and consistent orientation for technical cooperation programmes, as well as facilitating inter-agency cooperation in assistance to Member States. UNDP, in cooperation with the Office of the High Commissioner, has developed a joint programme for "Human Rights Strengthening" (HURIST), which includes the promotion of a human rights approach to sustainable human development, in particular in the following areas: eradication of poverty, gender, environment, water and sustainable livelihoods; promotion of the ratification of core human rights instruments; advancing the global dialogue on the impact of globalization on the enjoyment of human rights; and assistance to countries that wish to develop their capacity to promote human rights.

29. The Office of the High Commissioner is carrying out a special project to integrate economic, social and cultural rights into all aspects of technical cooperation practices and procedures, as was recommended by the Committee on Economic, Social and Cultural Rights.[15] In March, 1998, the implementation of the project was reviewed by a technical working group of experts, which proposed, *inter alia*, that the programme include training and other educational/ sensitization initiatives for "non-traditional" target

audiences, such as government officials involved in the provision of basic services (e.g. water and education) and the setting of benchmarks relating to the percentage of resources which are to be devoted to economic, social and cultural rights. Implementation of these recommendations is an ongoing task of the Office of the High Commissioner. Training programmes to develop in-house expertise in incorporating economic, social and cultural rights in technical cooperation projects are to be carried out throughout 1999 and 2000. The Office of the High Commissioner is also including economic, social and cultural rights in manuals and methodological materials for its technical cooperation programmes and field activities. For example, guidelines for interviews recently prepared for the Kosovo emergency operation and shared with the partners involved in the field refer to both economic, social and cultural and civil and political rights.

30. Independent national human rights institutions, acting in accordance with the 1991 Paris Principles, play an important role in the realization of economic, social and cultural rights at the national level, as was stressed by the Committee on Economic, Social and Cultural Rights in its General Comment No. 10 (1998). The Committee pointed out that such institutions were in many cases already undertaking educational and information programmes, scrutinizing existing laws, identifying national level benchmarks, conducting research and inquiries, monitoring compliance with human rights standards and examining complaints about their violations. The Office of the High Commissioner accords priority to the establishment and strengthening of national institutions in all regions. A handbook on economic and social rights for national human rights commissions is under preparation to assist in integrating economic, social and cultural rights into their activities and programmes. In addition, the Office is also organizing and co-sponsoring a number of regionally based training initiatives on economic, social and cultural rights focusing specifically on national human rights institutions. At its last meeting, in April 1999, the Coordinating Committee of National Institutions discussed, *inter alia*, issues of poverty, homelessness and its consequences, mental illness, indigenous rights, and policies necessary to ensure equal opportunity for women.

31. The third annual Meeting of the Asia-Pacific Forum for National Human Rights Institutions (September 1998, Indonesia) considered the effects of the recent economic crisis on economic, social and cultural rights and called on all Governments to give explicit effect to their commitment to the indivisibility of human rights, including their input into the policies and actions of international financial institutions and of international and regional economic forums such as the World Trade Organization and the Asia-Pacific Economic Cooperation Council. A workshop held in May 1999 in the Philippines, co-sponsored by the Office of the High Commissioner, discussed problems connected with integrating economic, social and cultural rights into the work of national human rights commissions.

32. On the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, the Office of the High Commissioner initiated the Assisting Communities Together Project (ACT), which was implemented jointly by the Office of the High Commissioner and UNDP and supported by Governments. In the framework of this project, micro-grants have been offered to local human rights initiatives. Many of these projects involve the domain of economic, social and cultural rights. The encouraging results from initiatives supported during the first phase of the ACT project has led to the continuation of the project with the support of the United Nations Fund for International Partnerships.

V. Building partnerships

International cooperation

33. Following the commitments made under the Charter of the United Nations, the Universal Declaration of Human Rights provided the foundation for international cooperation for human rights by stating in article 28 that "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized". Both the International Covenant on Economic, Social and Cultural Rights and the Declaration on the Right to Development reaffirmed this principle.

34. At world conferences and summits held during the 1990s, the international community reiterated its will to develop cooperation in the field of human rights. While each State has primary responsibility for ensuring the realization of all human rights at the national level, the international community should respond to the needs of States for assistance. The 1993 World Conference on Human Rights stressed this in part I of the Vienna Declaration and Programme of Action, by stating that enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations. In commitment No. 1 of the 1995 Copenhagen Declaration adopted by the World Summit for Social Development, Governments pledged cooperative efforts to create an environment of policy, law and

administration which would enable the realization of all human rights. The final documents of world conferences and summits also provide important guidance for the implementation of economic, cultural and social rights. The framework for the coordinated follow-up to the world conferences and summits, developed under the authority of the Economic and Social Council provides an operational tool for further integrating these rights in United Nations system-wide activities. It is vital that the review of the implementation of the recommendations adopted by the United Nations world conferences and summits is also used to focus on the policies and programmes developed to give effect to economic, social and cultural rights.

Integrating economic, social and cultural rights throughout the United Nations system

35. The Secretary-General's reform programme which reaffirmed human rights as a cross-cutting issue within the United Nations system has contributed to enhanced efforts in the area of economic, social and cultural rights. By placing human rights on the agenda of all of the most important management structures of the United Nations, the entire system is now better able to provide substantive support to their implementation. Economic and Social Council agreed conclusion 1998/2 highlighted the needs for inter-agency cooperation to promote economic, social and cultural rights. The reports of the Secretary-General to the substantive sessions of the Council in 1998 and 1999 concerning the implementation of the Vienna Declaration and Programme of Action and the Council's agreed conclusions present a review of this process.[16]

36. The rights-based approach, as expressed in the Declaration on the Right to Development, is increasingly looked to as the basis upon which an enabling international environment can be assured. United Nations agencies and programmes are recognizing that international human rights standards provide precise and firm criteria for policy-making and action, based on the recognition of the entitlements of rights-holders and the corresponding accountability of duty-bearers. It is a widely shared view that a rights-based approach applied to the development area ensures sustainability, as well as equitable participation in and enjoyment of development. For instance, in the debate on the recent economic crisis, it was often noted that negative consequences of the crisis on people could have been reduced, if not avoided, had a human rights approach been fully considered at the time. The Office of the High Commissioner is committed to working closely with all partners to provide substantive input to the integration of human rights into socio-economic policies and actions.

37. The issue of fundamental importance, *inter alia,* for economic, social and cultural rights is the eradication of poverty. The agreed conclusions adopted by the Economic and Social Council in 1996 provided guidance to system-wide anti-poverty efforts.[17] In 1998, the Administrative Committee on Coordination adopted the statement of commitment for action to eradicate poverty as a key international commitment and a central objective of the United Nations system. The Committee emphasized that poverty is a denial of choices and opportunities, as well as a violation of human dignity. UNDP, the World Bank, the United Nations Conference on Trade and Development, UNICEF and other agencies and programmes have developed programmes for its elimination. The independent expert on extreme poverty in submitting her first report to the fifty-fifth session of the Commission on Human Rights, recommended, *inter alia,* the adoption of domestic legislation for guaranteed minimum income and the disbursement of 0.7 per cent of national budgets to official development assistance.[18]

38. The United Nations Development Group, as the main United Nations policy and coordination structure in the field of development, has become one of the major platforms for promoting the implementation of economic, social and cultural rights. The Office of the High Commissioner chairs the Development Group's ad hoc group on the right to development, which is, *inter alia,* elaborating a United Nations approach for enhancing the human rights dimension in development activities and a training programme for United Nations staff on the right to development and its implications for sustainable development. The United Nations Development Assistance Framework, which has been designed to provide the format for continuing United Nations teamwork in responding to the development priorities of specific countries, will play an essential role in identifying needs regarding the implementation of economic, social and cultural rights and providing coordinated response to them. To support this process, the Office of the High Commissioner has prepared the human rights portion of the draft Administrative Committee on Coordination guidelines for resident coordinators.

39. In 1998, two important documents integrating human rights in the development area were published. UNDP issued a policy paper "Integrating human rights with sustainable human development" and the World Bank published "Development and human rights: the role of the World Bank". Both documents deal with the human rights dimension of the activities of the respective organizations, in particular in the areas of poverty, human resources, governance, and the rule of law. The intensive contacts

between the two institutions and the Office of the High Commissioner, which followed, indicate that an integrated approach to human rights and economic and social development is becoming a reality. Cooperation between the Office of the High Commissioner and UNDP has led to the signing of a memorandum of understanding in 1998 (see also para. 28 above). The recent annual evaluation of its implementation indicates that important progress has been achieved by both partners in their cooperative efforts in the area of human rights and sustainable development. In December 1998, the High Commissioner visited the World Bank to discuss modalities of cooperation. Representatives of the World Bank participate in the work of the Commission on Human Rights and some of its working groups, as well as maintain working relations with the Office of the High Commissioner.

40. Within the framework of implementing the recommendations of the World Food Summit, which was held in Rome on 15 November 1996, the Office of the High Commissioner has cooperated with FAO and the World Food Programme, as well as non-governmental organizations[19] and experts on the determination of the content of the right to food and the implementation of this right. An expert consultation was organized by the Office of the High Commissioner and FAO to discuss the core content of the right to food (November 1998, Rome). FAO has also issued publications focusing on this right. The Office of the High Commissioner hosted a meeting of the Administrative Committee on Coordination Subcommittee on Nutrition in Geneva in April 1999 and, in cooperation with the subcommittee, organized a symposium on "The substance and politics of a human rights approach to food and nutrition policies and programmes".[20]

41. In March 1999, an expert group meeting on practical aspects of the human right to adequate housing was jointly organized by Habitat and the Office of the High Commissioner in Geneva. The participants identified areas which require an urgent attention of the international community and recommended, *inter alia,* the appointment of a Special Rapporteur on housing rights and the adoption of comprehensive human rights guidelines on development-based displacement. Treaty bodies such as the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women were encouraged to draft new general recommendations dealing with housing rights. It was also agreed that Habitat and the Office of the High Commissioner will develop a pilot programme on the right to housing within one of the existing human rights field presences.

42. Cooperation between the Joint United Nations Programme on HIV/AIDS and the Office of the High Commissioner in health aspects of development has included dissemination of the International Guidelines on HIV/AIDS and Human Rights; review and reform of criminal laws and correctional systems from the point of view of the protection of the rights of people affected by HIV/AIDS, carried out by UNDP and the Office for Drug Control and Crime Prevention; and the integration of the International Guidelines into the policies and activities of the United Nations bodies and programmes. Inter-agency cooperation and coordination is ongoing under the leadership of the Joint United Nations Programme. UNDP is also involved in this area in the context of national capacity-building.[21]

Regional cooperation

43. A number of examples illustrate the extensive efforts which have been made to promote and protect economic, social and cultural rights at the regional level. This can be seen in the system for the protection of these rights under the European Social Charter, which has also adopted a system for collective complaints. An Additional Protocol to the American Convention on Human Rights ("Protocol of San Salvador") lays down all the fundamental economic, social and cultural rights. By virtue of that Protocol, the right to organize trade unions and the right to education are subject to individual petitions. While adopting the African Charter on Human and Peoples' Rights, the Organization of African Unity integrated economic, social and cultural rights into one document with civil and political rights. The 1990 Cairo Declaration on Human Rights in Islam also combines references to both categories of rights.

44. Regional, subregional and national human rights activities are essential because they draw upon the understanding of people on the ground regarding priority issues to be addressed and how they may be tackled. Regional cooperation should also help to fill the capacity gap caused by the growing interest of countries in international assistance and the limited resources of individual institutions, including the Office of the High Commissioner, to respond to this interest. While further developing close cooperation with regional human rights organizations, the Office intends, therefore, to intensify its programme of cooperation at the regional and subregional level, a significant portion of which will focus on economic, social and cultural rights. The experience in the Southern African Development Community region and with the Asia-Pacific regional workshops, in particular the 1998 Tehran and 1999 New Delhi meetings, have clearly demonstrated that this approach can enhance the effectiveness of United Nations

efforts to promote and protect human rights and ensure more efficient utilization of available resources. Inquiries and information coming from all regions indicate great interest in this type of regional and subregional cooperation.

45. The seventh Asia-Pacific Workshop for the Promotion and Protection of Human Rights, which was held in New Delhi in February 1999, was attended by representatives of 30 countries from the region and organized by the Office of the High Commissioner in cooperation with the Government of India. The Workshop identified four key areas for the promotion and protection of human rights in this region, which include: (a) the development of national plans of action for the promotion and protection of human rights and the strengthening of national capacities; (b) human rights education; (c) national institutions for the promotion and protection of human rights; and (d) strategies for the realization of the right to development and economic, social and cultural rights. The meeting held a discussion on economic, social and cultural rights and subsequently recommended that the inter-sessional workshop on the right to development and economic, social and cultural rights should focus, *inter alia*, on developing quantifiable benchmarks; identifying obstacles to the realization of these rights; and proposing relevant actions to strengthen national capacities for the promotion and protection of these rights.

Cooperation with civil society

46. Although international non-governmental organizations (NGOs) often focus on civil and political rights, in recent years NGOs have also taken an advocacy role in advancing the promotion and protection of economic, social and cultural rights. NGOs such as OXFAM, the Centre for Economic and Social Rights, the Centre on Housing Rights and Evictions and Food First International Action Network are only examples of the prominent organizations that have developed considerable expertise in this area. It is encouraging that an increasing number of local NGOs are also concentrating on economic, social and cultural rights.

47. The Vienna plus five global NGO forum on human rights discussed at length problems relating to economic, social and cultural rights and formulated a number of recommendations. The forum stressed that these rights are not merely aspirational goals but have the same status, importance and significance for human dignity, development and well being as civil and political rights. The negative impact of globalization on economic, social and cultural rights and the need for responses to this process was particularly stressed.

48. In February 1999, the Office of the High Commissioner and the International Court of Justice organized a workshop on the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights. More than 60 representatives of permanent missions to the United Nations in Geneva participated in an informal discussion.

49. The science and human rights programme of the American Association for the Advancement of Science (AAAS) and Human Rights Information and Documentation Systems International (HURIDOCS) have undertaken a three-year project on monitoring serious violations of economic, social and cultural rights, as laid down in the International Covenant on Economic, Social and Cultural Rights. Among its goals is to develop tools and resources to monitor such violations. The project will make extensive use of the Internet to provide training and technical assistance.

Cooperation with the corporate sector

50. It is increasingly clear that many business decisions can profoundly affect the dignity and rights of individuals and communities. While global free trade and competition have enabled some countries to make dramatic gains in total national wealth, some others are becoming poorer or are struggling just to make modest gains. Of growing concern within countries, developed and developing alike, is the widening gap between the rich and poor, even as total wealth increases. The causes of these developments are complex and varied, but they must be addressed. Business is at the heart of the ongoing globalization process and it is in its interest that the aforementioned problems be dealt with in a way which shows to the individual citizen of each country that the community has a place for all — that all fundamental human rights are respected. Fortunately, many corporate leaders are recognizing that the long-term viability of their corporate activities and the future protection of shareholder value depends on stability of a political environment governed by the rule of law based on human rights.

51. It was against this background that the Secretary-General, Kofi Annan, proposed to world business leaders assembled at the meeting of the World Economic Forum, in Davos, Switzerland, last January, a "Global Compact" of shared values and principles, to give a human face to the global market. He called on business leaders, through individual firms and through business associations, to embrace and support a set of core values in the areas of human rights, labour standards and the environment. With regard to human rights in particular, the Secretary-General asked the business community to support and respect the

protection of international human rights within their sphere of influence and to make sure their own corporations are not complicit in human rights abuses.

52. The immediate goal of the "Global Compact" is to incorporate universal values into the mission statements of the business community; to change management practices to implement these values; and to share learning experiences. The Secretary-General has asked the three United Nations agencies directly involved, the International Labour Organization, the United Nations Environment Programme and the Office of the High Commissioner, to stand ready to assist business in this respect and to facilitate a dialogue between business and other social groups. A growing number of business associations, sectors and individual enterprises are already creating or revising statements of business principles and codes of conduct and undertaking industry-specific initiatives to enhance awareness of these issues and to monitor compliance with specific standards. These initiatives are encouraging examples of what can be done.

53. The Office of the High Commissioner is focusing on a follow-up to the Secretary-General's initiative in two areas. Firstly, the Office is establishing cooperative relationships with business associations such as Business for Social Responsibility, the Prince of Wales Business Leaders Forum, the World Business Council for Sustainable Development and others to encourage corporate initiatives. The Office is also involving trade unions and NGOs in this activity. Secondly, while bearing in mind that it is Governments which are primarily responsible for the protection of human rights, the Office is exploring the question of international accountability for alleged corporate violations of human rights. The High Commissioner has asked the six human rights treaty bodies and the special rapporteurs and working groups to study how they could best promote within their mandates such accountability.

54. The Commission on Human Rights and its Subcommission on Prevention of Discrimination and Protection of Minorities are also involved in discussing this issue. In its resolution 1998/8, the Subcommission decided to establish, for a three-year period, a sessional working group with a mandate to examine the effects of the working methods and activities of transnational corporations on the enjoyment of economic, social and cultural rights and the right to development, as well as civil and political rights, and to make recommendations in this respect. The working group will meet for the first time during the Subcommission's 1999 session. It is to be noted, in particular, that, at the most recent session of the International Labour Conference, the Convention against the Worst Forms of Child Labour was adopted.

VI. Conclusions

55. Making economic, social and cultural rights a reality remains a formidable challenge. This report has attempted to highlight developments at the international level. Although the examples discussed in the report provide reason to believe that we are on the right track in establishing and strengthening the mechanisms to promote and protect economic, social and cultural rights, it is unfortunately also the case that we are far from the point at which the results of these efforts are widely seen through improvements in the lives of people. At the dawn of a new century, violations of economic, social and cultural rights must be seen as an affront to human dignity. Equally important, their implementation must be understood as an essential part of building a national economic and social order based on human security, freedom and equality.

56. Economic, social and cultural rights are legally binding commitments entered into by Governments, and the United Nations is increasingly ready to assist national efforts aimed at fulfilling these obligations. The United Nations today not only undertakes the important work of following human rights policies and practices at the national level but also provides practical support to Governments aimed at building national capacities to implement economic, social and cultural rights. It is evident that such assistance must increasingly focus on helping Governments make informed policy and budgetary decisions, which can enhance the enjoyment of these rights. This requires involvement of both human rights and development programmes of the United Nations.

57. Yet, despite the best efforts of States and the assistance provided by the United Nations human rights machinery, lasting progress in implementing economic, social and cultural rights will not be possible without wider international cooperation. The Charter of the United Nations established the fundamental principle of joint action to ensure respect for human rights. Today our challenge is to develop and support innovative approaches through which such cooperation can bring tangible results. This will require the commitment and resources of all partners — Governments, international organizations, civil society and the corporate sector.

58. The United Nations should take the lead in developing further action for the greater realization of economic, social

and cultural rights. Realistic but ambitious goals to be achieved in a reasonable time-frame need to be identified. The "Copenhagen+5" review of the implementation of recommendations made by the 1995 World Social Summit, as well as the coordinated follow-up to United Nations world conferences and summits, could provide a framework for setting goals, outlining new approaches and developing supportive partnerships. The Economic and Social Council could play an important role in this endeavour. The Office of the United Nations High Commissioner for Human Rights will continue its efforts to contribute to real progress in the implementation of economic, social and cultural rights.

Notes

[1] See E/C.12/1999/4 and 5. In its general comments, the Committee also clarified the content of the right to adequate housing (No. 4); the right to adequate housing in the context of forced evictions (No. 7); economic, social and cultural rights of persons with disabilities and of older persons (Nos. 5 and 6 respectively). The Committee also commented, *inter alia*, on the nature of States parties obligations (No. 3) and the domestic application of the International Covenant on Economic, Social and Cultural Rights (No. 9).

[2] See General Comment No. 6 of the Human Rights Committee, *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 40* (A/37/40), annex V.

[3] General Comment No. 1 (1989) of the Committee on Economic, Social and Cultural Rights, *Official Records of the Economic and Social Council, 1989, Supplement No. 4* (E/1989/22), annex III.

[4] *Official Records of the Economic and Social Council, 1999, Supplement No. 6* (E/1999/26), chap. I.D, annex.

[5] E/CN.4/1999/49.

[6] E/C.12/1991/1.

[7] In April 1995, some Committee members visited Panama, and in September 1997, some members visited the Dominican Republic.

[8] E/1999/L.19, para. 3.

[9] E/1997/22, chap. VII.

[10] Vienna Declaration and Programme of Action, A/CONF.157/24 (Part II), para. 75.

[11] Ibid., para. 98.

[12] Ibid., paras. 40–41.

[13] General Comment No. 1 (1989) of the Covenant on Economic, Social and Cultural Rights, *Official Records of the Economic and Social Council, 1989, Supplement No. 4* (E/1989/22), annex III, para. 6.

[14] General Comment No. 3 (1990) of the Covenant on Economic, Social and Cultural Rights, *Official Records of the Economic and Social Council, 1991, Supplement No. 3* (E/1991/23), annex III, para. 10.

[15] *Official Records of the Economic and Soccial Council, 1995, Supplement No. 3* (E/1995/22).

[16] See the reports entitled "Coordination of the policies and activities of the specialized agencies and other bodies of the United Nations system related to the coordinated follow-up to and implementation of the Vienna Declaration and Programme of Action" (E/1998/60) and "Implementation of agreed conclusions 1998/2 of the Economic and Social Council on the coordinated follow-up to and implementation of the Vienna Declaration and Programme of Action" (E/1999/83).

[17] *Official Records of the General Assembly, Fifty-first Session, Supplement No. 3* (A/51/3/Rev.1), chap. III, para. 2, agreed conclusions 1996/1.

[18] E/CN.4/1999/48.

[19] E/C.12/1999/5.

[20] Ibid., para. 14.

[21] See also the report of the Secretary-General submitted to the Commission on Human Rights (E/CN.4/1999/76).